

Message Text

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ORIGIN SCS-06

INFO OCT-01 EA-12 ISO-00 /019 R

DRAFTED BY CA/SCS; EMARNOLD;SJD
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-----120141 220735Z /13
R 212222Z DEC 77
FM SECSTATE WASHDC
TO AMEMBASSY MANILA

UNCLAS STATE 304217

E.O. 11652: N/A

TAGS: CDES (SURBER, LLOYD ALBERT)

SUBJECT: DISPOSITION OF EFFECTS

REF: MANILA (A) 19883 (B) 19551

1. CAPT. CROFT, FT. EUSTIS SAO, CONFIRMED THAT SHIRLEY ORTERY HAD INSTRUCTED HIM TO INFORM EMBASSY WHAT SHE AND SISTER PLANNED TAKE NO RPT NO FURTHER ACTION WITH RESPECT TO ESTATE OF LLOYD SURBER. CROFT SAID SISTERS DID NOT PLAN EXECUTE NOK AFFIDAVITS. ORTERY REPORTEDLY INFORMED CROFT THAT SHE TOTALLY CONFUSED AFTER RECEIPT OF YMBOFF'S PHONE CALL AND COLLECT CABLE REQUESTING IMMEDIATE ACTION AND HAD DECIDED THAT PROCEDURES TOO COMPLICATED AND FURTHER SHE HAD NO FUNDS TO ADVANCE FOR PAYMENT POSSIBLE DEBTS OR EXPENSES OF SETTLING ESTATE.

2. MRS. ORTERY CONFIRMED ABOVE TO DEPT OFFICER BY PHONE, ADDING THAT EMBASSY HAD FAILED PROVIDE ESTIMATE OF VALUE OR ADEQUATE DESCRIPTION OF FATHER'S PERSONAL AND HOUSEHOLD GOODS. FYI: ORTERY NOTIFIED CROFT OF DECISION AND THEN REFUSED ACCEPT EMB'S COLLECT CABLE, REFTEL (B), BUT IT UNCLASSIFIED

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WAS LATER RELAYED TO HER NO CHARGE. (DEPT AGREES THAT INFO RE EFFECTS INADEQUATE AND LISTING REFTEL (B) DOES NOT MEET REQUIREMENTS OF 22 USC 1175, 1176 OR 22 CFR 72.29

(B) AND 72.35 (SEE 7 FAM 445.1-1, 445.1-2 (B)).

3. CAPT. CROFT AND DEPT OFFICER WHO DISCUSSED ESTATE

WITH MRS. ORTERY BOTH OF OPINION THAT MRS. ORTERY OVERWHELMED BY EMB'S PHONE CALL AND URGENT TELEGRAPHIC REQUEST FOR IMMEDIATE ACTION SO SOON AFTER NOTIFICATION OF DEATH OF FATHER. IN ABSENCE OF ADEQUATE DESCRIPTION OF PERSONAL AND HOUSEHOLD EFFECTS OR ESTIMATE OF THEIR VALUE AND EMB'S WARNING, REFTEL (B), OF POSSIBLE DEBTS IN ADDITION TO RENT, GUARD, ETC., DAUGHTERS, APPARENTLY JUST DECIDED TO WASH THEIR HANDS OF WHOLE AFFAIR.

4. UNFORTUNATELY, MRS. ORTERY COULD NOT BE PERSUADED TO REVERSE HER DECISION BUT DID PROMISE TO EXECUTE NOK AFFIDAVIT AND SEND IT WITH CONFIRMING LETTER TO CONOFF. SHE WILL ASK SISTER, PATRICIA SURBER, TO DO SAME. MRS. ORTERY CONFIRMED THAT SHE DOES NOT RPT NOT PLAN CLAIM ANY SPECIFIC ITEMS FROM AMONG PERSONAL OR HOUSEHOLD EFFECTS.

5. MRS. ORTERY'S DECISION, EVEN IF CONFIRMED BY HER SISTER, AS ONLY HEIRS, DOES NOT RPT NOT RELIEVE CONOFF OF STATUTORY AND REGULATORY RESPONSIBILITIES RE ESTATE OF LLOYD SURBER. AS CONOFF WILL NOTE IN 7 FAM 444.9, DEPT IS NOT IN POSITION TO RELIEVE CONSULAR OFFICERS OF ANY PART OF THEIR DUTIES AND RESPONSIBILITIES IN THE CONSERVATION AND SETTLEMENT OF PERSONAL ESTATES OF DECEASED CITIZENS.

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6. THEREFORE, CONOFF WILL HAVE TO PROCEED TO DISPOSE OF ESTATE IN MANNER PRESCRIBED BY REGULATION, THAT IS TO REDUCE ESTATE TO MONETARY VALUE BY AUCTION RPT AUCTION (BIDS ARE A FORM OF AUCTION WHICH MIGHT BE CONSIDERED) AND IN ACCORDANCE WITH LOCAL LAW, IF APPLICABLE. RESPONSIBLE CONOFF MAY WISH CONSULT SENIOR CONOFF OR EMB'S LEGAL ADVISOR FOR APPROPRIATE GUIDANCE.

7. CONOFF REQUIRED BY STATUTE AND REGULATION TO TAKE INTO POSSESSION AND APPRAISE PERSONAL EFFECTS ENUMERATED IN 7 FAM 445.1-1 (22 USC 1175, 22 CFR 72.28 AND 72.29) IN THE FORMAT PRESCRIBED IN 7 FAM 445.4-2 EXHIBIT AND TO PREPARE A LIST OF PERSONAL PROPERTY NOT TAKEN INTO POSSESSION AS DIRECTED IN 7 FAM 445.1-2 (B) (22 CFR 72.29). A FINAL STATEMENT OF ACCOUNT IS ALSO REQUIRED WHEN THE ESTATE IS CLOSED (7 FAM 447.4 EXHIBIT). VANCE

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